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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,307	09/10/2003	Aman Safaei	W1200-00042	5380

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EXAMINER

STIMPAK, JOHNNA

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,307

Applicant(s)

SAFAEI ET AL.

Examiner

Johnna R. Stimpak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-35, 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a final office action upon examination of application number 10/660,307. Claims 18 and 36 have been cancelled. Claims 1-17, 19-35 and 37-40 are pending and have been examined on the merits discussed below.

Response to Arguments

2. The previous rejections under 35 USC 101 have been withdrawn.

3. Applicant's arguments filed 9/1/05 with respect to previous rejections under 35 USC 103(a) have been fully considered but they are not persuasive. With respect to Applicant's argument that Baker does not teach an indication of the types of lottery games sold by retailers, Examiner respectfully disagrees. By Applicant's own admission on page 5 of the specification, it is old and well known to use the Microsoft Mappoint software package to map sales figures and demographic data based on whatever data is provided to the system in the form of spreadsheets, etc. Furthermore, in the Baker article, the business data that is displayed is inherently sales data used to make informed decisions. In addition, the Newswire article also states the users can view sales data geographically to create shaded area, sized circle or pushpin maps. The software's mapping capabilities are only limited to the data that is provided. A business can import spreadsheets of sales data, which could inherently include sales data for individual items, to be mapped. As further evidence that Mappoint has mapping capabilities for displaying the products or items sold, on page 8 of an article on Microsoft.com it is shown that a brand manager for a grocery store uses the Mappoint software system to combine demographic

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data with consumption data to determine the best product mix for each store for different times of the year. All of this is proof that Mappoint can display the types of products sold by a retailer. Prior rejections are upheld.

4. Furthermore, Applicant argues that an existing retailer that does not sell a specific product is not displayed. However, the basis of Microsoft's Mappoint is to enable the user to make informed business decisions by displaying sales, location and demographic data, based on whatever data is made available to the system. As for the Avon example in the Baker reference, inherently if the user is determining where a kiosk should be set up based on demographics and sales data, the user maps current kiosk locations along with other retail establishments who do not currently have an Avon kiosk. Based on demographics around those retail establishments who do not currently have an Avon kiosk, the decision can be made to introduce one.

In light of the above comments, Examiner upholds the prior rejections based on Baker, Kim et al. "Divide and Conquer". September, 1999.

"Microsoft MapPoint 2000 Delivers New Mapping and Analysis Program". From Newswire, November 1998

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17, 19-35 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft's MapPoint, as disclosed in the following two articles.

Baker, Kim et al. "Divide and Conquer". September, 1999.

"Microsoft MapPoint 2000 Delivers New Mapping and Analysis Program". From

Newsire, November 1998

As per claim 1 (currently amended), MapPoint teaches obtaining location information for a plurality of retailers with a processor (Baker, page 1 – geographic information systems are used to visualize business data on maps); assigning unique identifiers to a plurality of retailers, the unique identifiers indicating types of product sold by respective retailers from the plurality of retailers; and identifying on a map display displayed by a user terminal using the unique identifiers respective locations of retailers from the plurality of retailers (Baker, page 1 – the maps incorporate symbols, three-dimensional representations, colors and charts to display business data; page 3 – MapPoint identifies sales based on geographic location of the retailer using multicolored maps and grids that show locations where sales are concentrated).

As per claim 2, MapPoint teaches identifying on the map display sales data for at least one identified retailer (Baker, page 3 – MapPoint identifies sales based on geographic location of the retailer).

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As per claim 3, MapPoint teaches sales data represent total sales for a selected time period of the types of product sold by the at least one identified retailer (Newswire, page 1 – users can identify business trends using their own sales data – trends of sales data inherently includes sales over a time period).

As per claim 4 (currently amended), MapPoint teaches identifying on the map display an indication of a location of at least one existing retailer not selling the product (Baker, page 3, system is used to identify locations where sales are concentrated, as well as where retailers need to improve, inherently the system is identifying locations of retailers where the product is not being sold).

As per claim 5 (currently amended), MapPoint teaches after identifying on the map display an indication of a location of at least one retailer not selling the product, utilizing information discerned from the map display in making a retailer decision, said retailer decision comprising considering establishing at least one retailer not selling the product, as a retailer selling the product (Baker, page 4, the system is used to determine where to introduce new locations for products and retailers).

As per claim 6, MapPoint teaches identifying on the map display demographic data for a geographic region shown on the map display (Baker, page 3 bottom – page 4 – demographic data is displayed).

As per claim 7, MapPoint teaches after identifying on the map display demographic data for a geographic region shown on the map display, utilizing information discerned from the map display in making a marketing decision (Baker, page 4, displays demographic data showing

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concentrations of customers meeting age and income criteria used to develop new products and promotions for the specific market groups in the area).

As per claim 8, MapPoint teaches demographic data include population data (Baker, page 3, mapping software shows ethnicity data for specific areas – concentrations of high ethnic population leads to targeting specific products to those groups).

As per claim 9, MapPoint teaches demographic data include population income data (Baker, page 4, demographic data includes income criteria).

As per claim 10, MapPoint teaches identifying on the map display a street address for at least one identified retailer (Baker, page 3, mapping software shows sales penetration by specific street).

As per claim 11, MapPoint teaches automatically generating travel data representing a trip to at least one identified retailer (Baker, page 3, mapping program used to direct vehicles along the fastest routes to the retailers).

As per claim 12, MapPoint teaches travel data represent a travel route to the at least one identified retailer, travel distance, travel time, gas usage, overtime expenses or a combination thereof (Baker, page 3, mapping program used to direct vehicles along the fastest routes, this inherently includes travel time and distance).

As per claim 13, MapPoint teaches travel data represents a travel route to the at least one identified retailer, the method further comprising the steps of utilizing the travel route in determining a travel to the one or more retailers (Baker, page 3, mapping program used to direct vehicles along the fastest routes, this inherently includes travel time and distance).

As per claims 1-13, including data regarding lottery retailers, MapPoint does not explicitly teach the system being used for analysis of lottery retailers, it would have been obvious to one of ordinary skill to use MapPoint to display locations of lottery retailers since MapPoint is used to map geographic locations and demographic information for many types of retail establishments (Baker, page 3). Based on the Baker article, it is widely known that business owners must study geographic locations and demographic information to determine the best places to set up new establishments and where to introduce or discontinue products. By applying the well known advantages of MapPoint to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

As per claim 14 (currently amended), MapPoint teaches obtaining location information for a plurality of retailers and a plurality of non-retailers with a processor (Baker, page 1 – geographic information systems are used to visualize business data on maps; Baker, page 3 - Avon example - inherently if the user is determining where a kiosk should be set up based on demographics and sales data, the user maps current kiosk locations along with other retail establishments who do not currently have an Avon kiosk. Based on demographics around those retail establishments who do not currently have an Avon kiosk, the decision can be made to introduce one); identifying on a map display displayed by a user terminal a location of at least one lottery retailer from a plurality of lottery retailers; and identifying on the map display lottery sales data respective to the at least one lottery retailer representative of lottery sales by the at least one lottery retailer for a selected period of time. (Baker, page 3 – MapPoint identifies sales based on geographic location of the retailer using multicolored maps and grids that show

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locations where sales are concentrated; Newswire, page 1 – users can identify business trends using their own sales data – trends of sales data inherently includes sales over a time period).

As per claim 15, MapPoint teaches the sales data represent sales according to product type (Baker, page 3, system used to track sales penetration by location).

As per claim 16, MapPoint teaches the sales data represent total sales for the selected time period of the product sold by the respective retailers (Newswire, page 1 – users can identify business trends using their own sales data – trends of sales data inherently includes sales over a time period).

As per claim 17, MapPoint teaches utilizing information discerned from the map display in making a retailer decision (Baker, page 2 bottom – page 3 top – information is used to make business decisions).

Claim 18 canceled.

As per claim 19, MapPoint teaches identifying on the map display demographic data for a geographic region shown on the map display (Baker, page 3 bottom – page 4 – demographic data is displayed).

As per claim 20, MapPoint teaches the demographic data includes population (Baker, page 3, mapping software shows ethnicity data for specific areas – concentrations of high ethnic population leads to targeting specific products to those groups).

As per claim 21, MapPoint teaches demographic data include population income data (Baker, page 4, demographic data includes income criteria).

As per claim 22, MapPoint teaches utilizing demographic data information discerned from the map display in making a marketing decision (Baker, page 4, displays demographic data

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showing concentrations of customers meeting age and income criteria used to develop new products and promotions for the specific market groups in the area).

As per claim 23, MapPoint teaches identifying on the map display a street address for at least on identified retailer (Baker, page 3, mapping software shows sales penetration by specific street).

As per claims 14-23, including data regarding lottery retailers, MapPoint does not explicitly teach the system being used for analysis of lottery retailers, it would have been obvious to one of ordinary skill to use MapPoint to display locations of lottery retailers since MapPoint is used to map geographic locations and demographic information for many types of retail establishments (Baker, page 3). Based on the Baker article, it is widely known that business owners must study geographic locations and demographic information to determine the best places to set up new establishments and where to introduce or discontinue products. By applying the well known advantages of MapPoint to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

Claims 24-32 are the computer implemented system for performing the steps of claims 1-12. Since the MapPoint system is computer implemented, the rejection as applied to claims 1-12 also applies to claims 24-32.

Claims 33-35 and 37-40 are the computer implemented system for performing the steps of claims 14-17 and 19-23. Since the MapPoint system is computer implemented, the rejection as applied to claims 14-17 and 19-23 also applies to claims 33-35 and 37-40.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“Microsoft Mappoint – Bringing Spatial Information Management to the Personal Productivity Market” by Sonnen and Morris

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Stimpak whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

11/02/2005



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